

EXHIBIT F

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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DIVERSI-PLAST PRODUCTS, INC.,
a Minnesota corporation,

Plaintiff,

vs.

BATTENS PLUS, INC., a
California corporation,

Defendant.
_____ /

Civil Action No:
2:04-CV-01005 PGC
Judge: Paul G. Cassell

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Thursday, January 19, 2006.

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VIDEOTAPED DEPOSITION OF
THEODORE JOSEPH BIELEN, JR., ESQ.

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Ref. No. B978

Reported by: John P. Squires, CSR No. 2001
Certified Merit Reporter

14:46:27 1 A. Yes.

14:46:29 2 Q. And is it normal practice to have billing

14:46:33 3 records when you do work for a client?

14:46:35 4 A. It depends.

14:46:36 5 Q. It depends on what?

14:46:38 6 A. Well, it depends on whether I billed them.

14:46:40 7 Q. Is there a reason why you would not bill

14:46:43 8 them?

14:46:43 9 A. Yeah, there would be. That is when a client

14:46:45 10 comes in and pays me without a bill initially.

14:46:49 11 Q. Prepays?

14:46:50 12 A. Prepays, yes.

14:46:52 13 Q. Do you recall if that was the case here?

14:46:53 14 A. No, I don't.

14:46:54 15 Q. Did you have any files that were open for

14:46:58 16 Mr. -- first of all, was it your understanding that

14:47:01 17 Battens Plus or Ted Anderson was your client?

14:47:03 18 A. Both.

14:47:04 19 Q. Both?

14:47:05 20 And did you open up any files for them?

14:47:08 21 I'm going to refer to Battens Plus as --

14:47:11 22 A. I don't know.

14:47:11 23 Q. Well, when you reviewed to look for documents

14:47:14 24 under this exhibit, did you look through files?

14:47:16 25 A. Yes.

15:32:37 1 as to how much that will cost, and then they pay me for
15:32:40 2 the interview and for the work that's to be done. With
15:32:43 3 a new client.

15:32:44 4 Q. And that would have been the case with --

15:32:46 5 A. Most likely. I had never seen him before, so
15:32:51 6 most likely that's what happened with Mr. Anderson.

15:32:54 7 Q. Was he recommended to you or was it a cold
15:32:57 8 call of some sort?

15:32:58 9 A. I don't remember.

15:32:58 10 Q. You indicated it was about an hour meeting
15:33:00 11 with him that day. Would you have -- do you recall
15:33:02 12 whether or not you received a check then or if you
15:33:04 13 requested money for follow-up work?

15:33:07 14 A. I most likely -- I don't remember exactly,
15:33:13 15 but I would have charged him for the interview and then
15:33:16 16 charged him for answering Mr. Patterson's letter and he
15:33:21 17 would have paid it at that time.

15:33:22 18 Q. What about the time reviewing the patent?

15:33:25 19 A. That's included.

15:33:26 20 Q. In what, the letter, drafting the letter?

15:33:30 21 A. In drafting letter, yes. It's just not a
15:33:33 22 letter. You have to do a little work to send that kind
15:33:36 23 of a letter out. You have to, like you said, review the
15:33:39 24 patent and compare it to the accused device, in this
15:33:43 25 case the BattenUP.

1 I, JOHN P. SQUIRES, a Certified Shorthand
2 Reporter of the State of California, duly authorized to
3 administer oaths, do hereby certify:

4 That I am a disinterested person herein; that
5 the witness, THEODORE JOSEPH BIELEN, JR., ESQ., named in
6 the foregoing deposition was by me duly sworn to testify
7 the truth, the whole truth, and nothing but the truth;
8 that the deposition was reported in shorthand by me,
9 JOHN P. SQUIRES, a Certified Shorthand Reporter of the
10 State of California, and thereafter transcribed into
11 typewriting.

12 Dated: January 26th, 2006.

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John P. Squires, CSR No. 2001

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